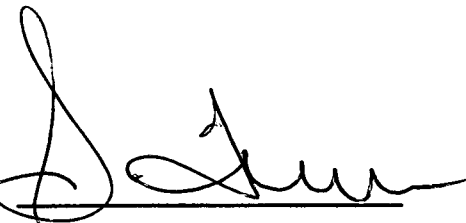


I hereby certify this to be a true and correct copy of the indicated document as filed or transmitted to committee.

Chief Clerk of the House

By 

FILED JAN 25 1999

H.B. No. 895

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the employment of certain children;  
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.013, Labor Code, is amended by  
amending Subsection (d) and adding Subsections (e) and (f) to read  
as follows:

(d) A person commits an offense if the person permits a  
child who is 16 or 17 years of age, is employed by the person, and  
is enrolled in a term of public or private school to work between  
the hours of 11 p.m. and 5 a.m. on a day that is followed by a  
school day.

(e) A person commits an offense if the person permits a  
child who is employed by the person and is enrolled in a term of  
public or private school to work in one week more than 40 hours  
during the days of the week that are followed by a school day.

(f) The commission may adopt rules for determining whether  
hardships exist. If, on the application of a child, the commission  
determines that a hardship exists for that child, this section  
does not apply to that child.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the  
crowded condition of the calendars in both houses create an  
emergency and an imperative public necessity that the

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

SPARR 13 11:14  
102117 11/1/99

By Turner of Harris

H.B. No. 895

Substitute the following for H.B. No. 895:

By Homer

C.S.H.B. No. 895

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COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

March 29, 1999  
(date)

Sir:

We, your COMMITTEE ON ECONOMIC DEVELOPMENT

to whom was referred HB 895 have had the same under consideration and beg to report back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (✓) yes ( ) no A fiscal note was requested.
- ( ) yes (✓) no A criminal justice policy impact statement was requested.
- ( ) yes (✓) no An equalized educational funding impact statement was requested.
- ( ) yes (✓) no An actuarial analysis was requested.
- ( ) yes (✓) no A water development policy impact statement was requested.
- ( ) yes (✓) no A tax equity note was requested.
- ( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

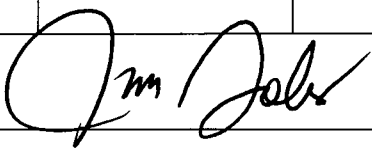
Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Solis, Chair	✓			
Van de Putte, Vice-chair				✓
Deshotel	✓			
Homer	✓			
Keffer	✓			
Luna	✓			
McClendon	✓			
Seaman		✓		
Yarbrough	✓			

Total

7 aye  
1 nay  
0 present, not voting  
1 absent

CHAIR 

## BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 895  
By: Turner, Sylvester  
Economic Development  
4/1/1999  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

The Labor Code (code) prescribes criminal penalties for the employment of children of a certain age in certain circumstances. Under the code, an employer commits a crime if the employer permits a 14- or 15-year-old employee (employee) to work more than eight hours in one day or 48 hours in one week. An employer also commits a crime if the employer permits an employee who is enrolled in school to work between the hours of 10:00 p.m. and 5:00 a.m. on a day followed by a school day, or between the hours of midnight and 5:00 a.m. on a day that is not followed by a school day. The statute does not address the employment of children older than age 15. C.S.H.B. 895 provides that an employer commits an offense (punishable as a Class B misdemeanor) if the employer permits a 16- or 17-year-old employee who is enrolled in school to work between midnight and 5 a.m. on a day followed by a school day. In addition, this bill provides that an employer commits an offense (also punishable as a Class B misdemeanor) if the employer permits a *child* (an individual under 18 years of age) who is enrolled in school to work in one week more than 40 hours during the days of the week followed by a school day.

### RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.013, Labor Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) A person commits an offense punishable as a Class B misdemeanor if the person permits a 16- or 17-year-old employee who is enrolled in public or private school to work between midnight and 5 a.m. on a day that is followed by a school day.

(e) A person commits an offense punishable as a Class B misdemeanor if the person permits a child employee who is enrolled in public or private school to work in one week more than 40 hours during the days of the week that are followed by a school day. Section 51.002 of the Labor Code defines "child" as an individual under 18 years of age.

(f) Creates this subsection from existing text.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

### COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 895 modifies the original bill in SECTION 1 by substituting, in the proposed addition of Subsection (d) to Section 51.013, Labor Code, midnight for 11 p.m. as the hour beginning the period before a school day during which an employer may not permit a 16- or 17-year-old employee who is enrolled in public or private school to work.

SUMMARY OF COMMITTEE ACTION

HB 895

March 11, 1999                      1:30PM  
Considered in public hearing  
Testimony taken in committee  
Left pending in committee

March 29, 1999                      1:30PM  
Considered in public hearing  
Committee substitute considered in committee  
Reported favorably as substituted

WITNESS LIST

HB 895  
HOUSE COMMITTEE REPORT  
Economic Development Committee

March 11, 1999 - 10:30AM or upon adjournment  
For: Branch, Theldon (Self)



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 30, 1999

**TO:** Honorable Jim Solis, Chair, House Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **HB895** by Turner, Sylvester (Relating to restrictions on the employment of certain children; providing penalties), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.
--

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JK, TH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

March 8, 1999

**TO:** Honorable Jim Solis, Chair, House Committee on Economic Development

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**Source Agencies:** 320 Texas Workforce Commission

**LBB Staff:** JK, TH, HL

ADOPTED

APR 28 1999

Sharon Carter  
Chief Clerk  
House of Representatives

By S. Turner

H.B. No. 895

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By Homer

C.S. H.B. No. 895

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# HOUSE ENGROSSMENT

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**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

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**LBB Staff:** JK, TH

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**Austin, Texas**

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**LBB Staff:** JK, TH, HL

76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(Please request your coauthors to sign this form in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 895

[Signature]  
Signature of primary author

Sylvester Turner  
printed name of primary author

1-25-99  
Date

PERMISSION TO SIGN HB 895 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u>        </u> Date	<u>A2600 Counts</u>	<u>        </u> Date	<u>A2795 Farabee</u>	<u>        </u> Date
<u>A2115 Allen</u>	<u>        </u> Date	<u>A2605 Crabb</u>	<u>        </u> Date	<u>A2810 Farrar</u>	<u>        </u> Date
<u>A2105 Alvarado</u>	<u>        </u> Date	<u>A2610 Craddick</u>	<u>        </u> Date	<u>A2840 Flores</u>	<u>        </u> Date
<u>A2135 Averitt</u>	<u>        </u> Date	<u>A2615 Crownover</u>	<u>        </u> Date	<u>A2920 Gallego</u>	<u>        </u> Date
<u>A2160 Bailey</u>	<u>        </u> Date	<u>A2645 Cuellar</u>	<u>        </u> Date	<u>A2930 Garcia</u>	<u>        </u> Date
<u>A2205 Berman</u>	<u>        </u> Date	<u>A2635 Culberson</u>	<u>        </u> Date	<u>A2940 George</u>	<u>        </u> Date
<u>A2250 Bonnen</u>	<u>        </u> Date	<u>A2670 Danburg</u>	<u>        </u> Date	<u>A2935 Giddings</u>	<u>        </u> Date
<u>A2275 Bosse</u>	<u>        </u> Date	<u>A2620 Davis, John</u>	<u>        </u> Date	<u>A2880 Glaze</u>	<u>        </u> Date
<u>A2260 Brimer</u>	<u>        </u> Date	<u>A2625 Davis, Yvonne</u>	<u>        </u> Date	<u>A2985 Goodman</u>	<u>        </u> Date
<u>A2265 Brown, Betty</u>	<u>        </u> Date	<u>A2680 Delisi</u>	<u>        </u> Date	<u>A2990 Goolsby</u>	<u>        </u> Date
<u>A2270 Brown, Fred</u>	<u>        </u> Date	<u>A3385 Denny</u>	<u>        </u> Date	<u>A3005 Gray</u>	<u>        </u> Date
<u>A2255 Burnam</u>	<u>        </u> Date	<u>A2690 Deshotel</u>	<u>        </u> Date	<u>A3000 Green</u>	<u>        </u> Date
<u>A2300 Capelo</u>	<u>        </u> Date	<u>A2705 Driver</u>	<u>        </u> Date	<u>A3010 Greenberg</u>	<u>        </u> Date
<u>A2400 Carter</u>	<u>        </u> Date	<u>A2665 Dukes</u>	<u>        </u> Date	<u>A3020 Grusendorf</u>	<u>        </u> Date
<u>A2585 Chavez</u>	<u>        </u> Date	<u>A2660 Dunnam</u>	<u>        </u> Date	<u>A3030 Gutierrez</u>	<u>        </u> Date
<u>A2480 Chisum</u>	<u>        </u> Date	<u>A2650 Dutton</u>	<u>        </u> Date	<u>A3035 Haggerty</u>	<u>        </u> Date
<u>A2525 Christian</u>	<u>        </u> Date	<u>A2770 Edwards</u>	<u>        </u> Date	<u>A2695 Hamric</u>	<u>        </u> Date
<u>A2520 Clark</u>	<u>        </u> Date	<u>A2760 Ehrhardt</u>	<u>        </u> Date	<u>A3160 Hardcastle</u>	<u>        </u> Date
<u>A2435 Coleman</u>	<u>        </u> Date	<u>A2775 Eiland</u>	<u>        </u> Date	<u>A3170 Hartnett</u>	<u>        </u> Date
<u>A2565 Cook</u>	<u>        </u> Date	<u>A2785 Elkins</u>	<u>        </u> Date	<u>A3345 Hawley</u>	<u>        </u> Date
<u>A2595 Corte</u>	<u>        </u> Date	<u>A2790 Ellis, Dan</u>	<u>        </u> Date	<u>A3180 Heflin</u>	<u>        </u> Date

For chief clerk use only  
Bill or Resolution Number: HB 895

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Homer	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puente	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbrank	Date

H.B. No. 895

By D. J. [Signature]

A BILL TO BE ENTITLED  
AN ACT

Relating to restrictions on the employment of certain children; providing penalties.

JAN 25 1999 Filed with the Chief Clerk

FEB 09 1999 Read first time and referred to Committee on Economic Development

MAR 29 1999 Reported \_\_\_ favorably (~~amended~~)  
(as substituted)

APR 14 1999 Sent to Committee on (Calendars)  
(~~Local & General Calendars~~)

APR 28 1999 Read second time (comm. subst.) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)  
(record vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting

APR 29 1999 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)  
(record vote of \_\_\_ yeas, \_\_\_ nays, \_\_\_ present, not voting)

APR 30 1999 Engrossed

APR 30 1999 Sent to Senate

Sharon Carter  
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 30 1999 Received from the House

MAY 03 1999 Read and referred to Committee on ECONOMIC DEVELOPMENT

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_ yeas, \_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_ yeas, \_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_ yeas, \_\_\_ nays

Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(\_\_\_ yeas, \_\_\_ nays)

Returned to the House

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

112

93A

112